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Journal - Office of Legislative Counsel
Tuesday - 29 August 1972

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[REDACTED]

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[REDACTED] I received a call this afternoon from Mr. Roland Paul, former Counsel of Senate Foreign Relations Subcommittee on U.S. Security Agreements and Commitments Abroad, concerning TV coverage last evening in the New York City area, Channel 5, WNEW, of the charges against the Agency set forth in the McCoy book "The Politics of Heroin in Southeast Asia," and treatment given the same charges over the last week or two in the New York Times. See Memorandum for the Record. [REDACTED]

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[REDACTED] has been advised.

[REDACTED]

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[REDACTED]
Acting Legislative Counsel

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cc:
Mr. Thuermer [REDACTED]
O/DDCI Mr. Houston
[REDACTED]

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JOURNAL

OFFICE OF LEGISLATIVE COUNSEL

Monday - 28 August 1972

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Talked to Mr. Robert Blum, Senate Foreign Relations Committee staff, as a followup to the request of the Chairman for review of OSS files on Indochina. I made an appointment to meet with him here at Headquarters on Wednesday, 30 August. Mr. Harry Little has been advised. See Journal of 16 and 17 August.

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OFFICE OF LEGISLATIVE COUNSEL

Thursday - 24 August 1972

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Received a followup call from Lt. Commander Levine, of Navy Intelligence, who said that after checking with his people he found it was the transcript of Carl Duckett's briefing of the Foreign Relations Committee that they were interested in. I told Levine that that session was an informal briefing and no transcript was taken. He said he thought that answered his question and thanked me for looking into it.

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Journal - Office of Legislative Counsel
Wednesday - 23 August 1972

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[REDACTED]

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[REDACTED] Received a call from Lt. Commander F. W. Levine, Production Coordination and Dissemination Division of the Naval Intelligence Operations Department, who said that the Secretary of the CNO executive panel had contacted their office in the interest of obtaining the transcript of Mr. Helms' testimony before the Foreign Relations Committee on qualitative improvements in Soviet missile systems. I told Levine that the last time the Director appeared before the Foreign Relations Committee was during its hearings on the SALT agreement and that his testimony concerned our detection capabilities. I added that there was a strict understanding with the Foreign Relations Committee that there would be only one copy of the transcript of our briefings (the Committee's copy) and that no copy would be made without the expressed permission of the Committee. Commander Levine said that the request that was put to him was rather vague and that he would get more details and be back in touch with me.

[REDACTED]

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JOHN M. MAURY
Legislative Counsel

cc:
O/DDCI

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[REDACTED]

Mr. Houston
Mr. Thuermer

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[REDACTED]

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OFFICE OF LEGISLATIVE COUNSEL

Monday - 21 August 1972

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[REDACTED]

[REDACTED] Called Dave Young, who handles problems regarding the Executive order on classification for the White House, to find out if he knew anything about a White House communication to the Senate Foreign Relations Committee saying it was up to the Director to decide whether or not to release National Estimates to the Committee. Young assured me that he had never conveyed such a message either orally or in writing, but felt that under the current Executive Order we could not insist that National Estimates were immune from the declassification process. I said the matter was not one of declassification, because the Committee staff personnel who sought access to the Estimate in question had all the necessary clearances, but rather we saw it as a problem of releasing outside of the Executive Branch sensitive material prepared specifically for the personal use of the President and his top advisors. I said National Estimates often reflected intelligence sources and methods, but beyond this we felt they belonged in a special category, perhaps even justifying resorting to executive privilege. Young said if this was our problem it did not fall within his purview and we should take it up with John Dean or John Lehman.

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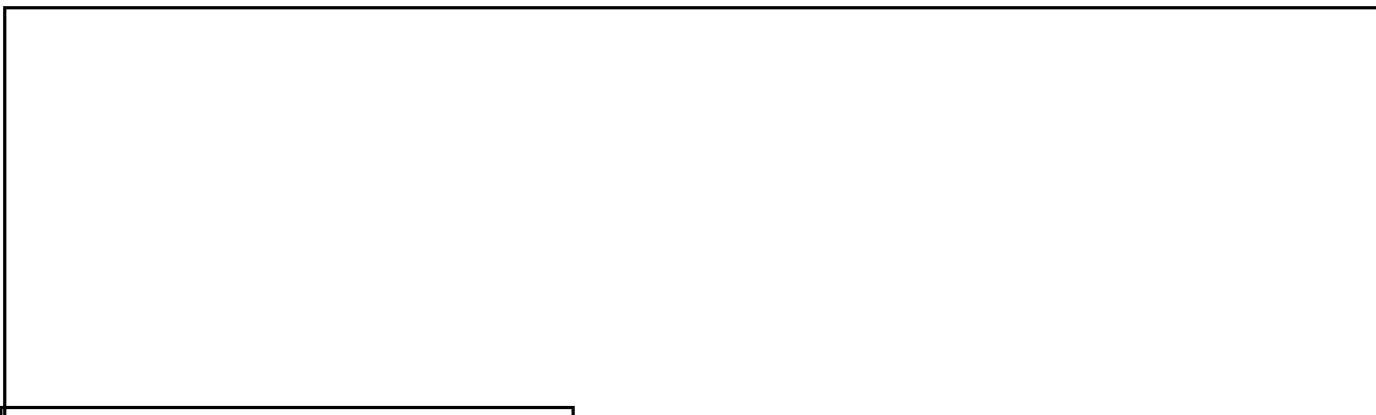
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OFFICE OF LEGISLATIVE COUNSEL

Friday - 18 August 1972



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[Redacted] In the absence of John Lehman, White House staff, I called Colonel Richard Kennedy, of Dr. Kissinger's staff, regarding the persistent request of the Senate Foreign Relations Committee for a copy of NIE-5. I said I understood that when we had told the Committee we did not have the authority to release this they had written to the White House and received a letter saying this was for CIA to decide. I said Lehman had promised to try to get David Young, author of the letter, to send us a copy but we had never received it and because of a likely confrontation with the Committee we would like to be clear on exactly what Young's letter said. Kennedy said he was not familiar with the situation. I pointed out that we wanted to know whether the White House really didn't care whether we released the estimate or not, or, if they wanted us to refuse, whether they would be willing to back us up, to the point of invoking executive privilege if necessary. Kennedy said he couldn't answer the question but realized we had a problem and that any decision would have to be coordinated not only with David Young but with John Dean. Kennedy said he would call Young on my behalf, but I told him not to bother that I would call him directly.



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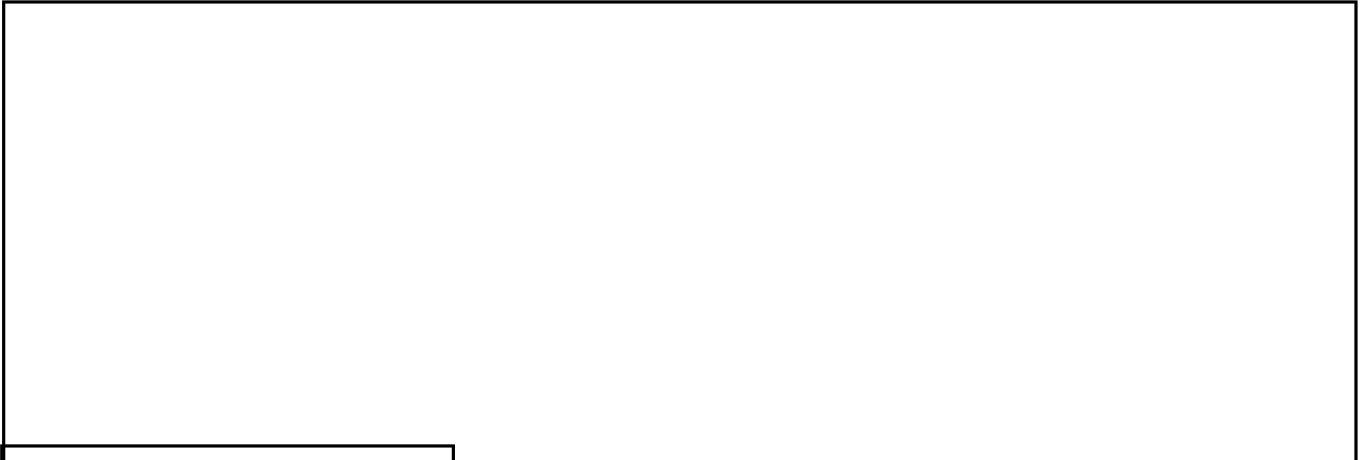
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Thursday - 17 August 1972

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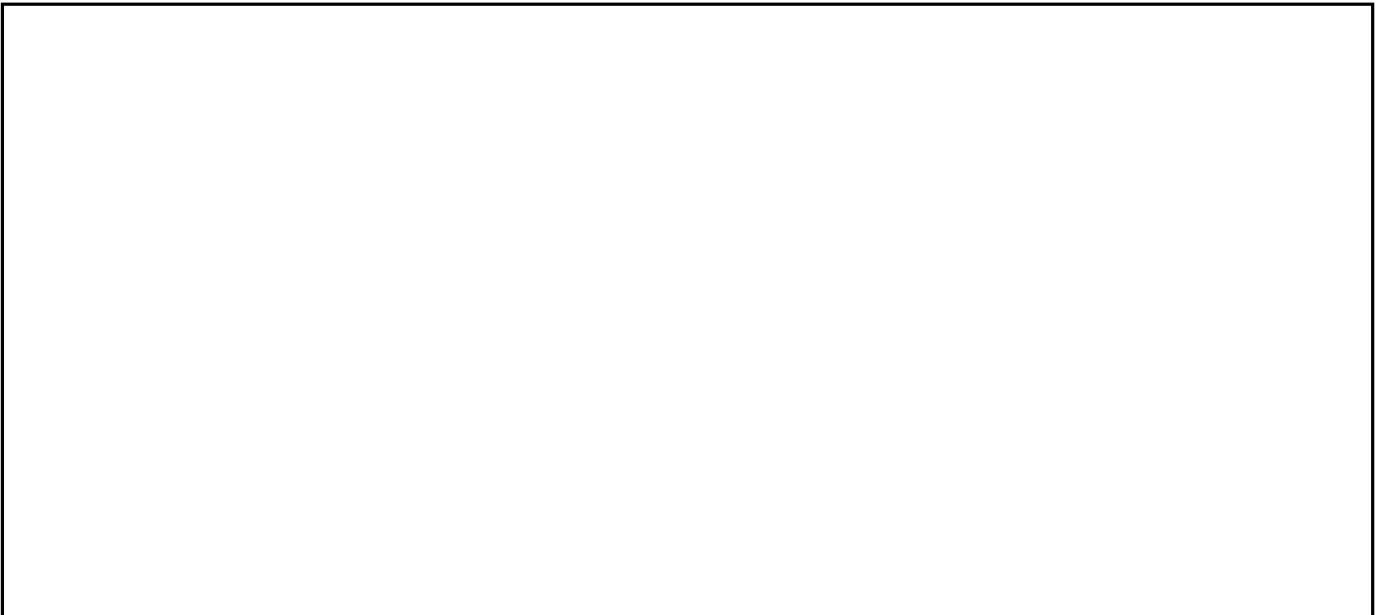


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[redacted] Only - LLM) Called Mr. Blum, Senate Foreign Relations Committee staff, concerning two outstanding requests. On the review of OSS documents, it was agreed that [redacted] would call him on 28 August. On NIE-5, I explained that I could see that serious obstacles were developing involving at least the legal authority of the Agency to permit outside access to NIEs as a matter of principle. (See Memorandum for the Record.)

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17 August 1972

MEMORANDUM FOR THE RECORD

SUBJECT: Conversation with Robert Blum on His Outstanding Request
to Review NIE-5 and Certain OSS Documents

1. Concerning NIE-5: In response to his call yesterday and based on the advice of Messrs. Houston and Maury, I called Robert Blum, Senate Foreign Relations Committee staff, to inform him that serious obstacles appeared to be developing over outside access to NIE's. I explained my understanding that serious legal reservations had arisen over the Agency's authority to permit outside access to NIE's, as a matter of principle. I reminded him that NIE's occupy a unique position in the Presidential decision making process. As an integral part of that process, their insulation from outside pressure, or public or political controversy, would appear to be essential if their independent objective judgment is to be preserved.

2. Blum said this seemed to be inconsistent with the position of the White House and the National Security Council, which had permitted him to review NSC memoranda. He said that they registered no concern over his review of NIE-5, but merely suggested that he go to Mr. Helms for it, inferring that there would be no problem. (Blum added that the age of NIE-5 and the fact that it had been "declassified" in the Pentagon Papers, to which I took exception, should weigh in his favor; but I told him that neither classification nor age were relevant to the principle which we were discussing.)

3. In response to his question whether the obstacles to which I was alluding could be overridden by the White House, I told him that at my level it would appear that the position of the White House would be controlling and again referred to the general elements of "executive privilege" without mentioning the term itself.

4. I reminded Blum that the Agency has gone to great lengths to be as helpful as we can to the Senate Foreign Relations Committee and suggested that if he felt that he was at an impasse with me on this, that he have Carl

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Marcy call Jack Maury. Under the circumstances Blum said he did not see what else he could do and would consider my suggestion.

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5. Concerning OSS Documents: I explained that we were shorthanded but offered to attempt to pick up the threads on this for him; but he did not want to push us to the wall and said he would wait until [redacted] returns on the 28th. I told Blum that I would ask [redacted] to call him then.

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6. General: Mr. Blum was completely friendly throughout, although understandably perplexed by what he saw as inconsistencies between the White House and our position on NIE-5. However, he does not appear to be looking for an excuse for a confrontation as long as it can be avoided.



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Assistant Legislative Counsel

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